

PATENT
Attorney Docket No. 224559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Boehm et al.

Art Unit: 1614

Application No. 10/667,570

Examiner: Unassigned

Filed: September 22, 2003

For: SUSTAINED RELEASE OPIOID
FORMULATIONS AND METHOD OF
USE

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir

Applicant hereby responds to the Notice to File Missing Parts of Application dated August 6, 2004.

The items checked below are appropriate:

1. Status of Applicant

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

2. Documents Submitted Herewith

- a. ☒ Executed Declaration and Power of Attorney of inventor(s)
- b. ☐ Nucleotide and/or Amino Acid Sequence Submission:
 - i. ☐ Computer Readable Form (CRF)
 - ii. Specification Sequence Listing on:
 - (1) ☐ CD-ROM or CD-R (2 copies); or
 - (2) ☐ Paper Copy
 - iii. ☐ Statement verifying identity of above copies
- c. ☐ Verified English translation of application
- d. ☒ Copy of the Notice to File Missing Parts of Application
- e. ☐ Substitute Formal Drawings
- f. ☐ Other: Submission of Formal Drawings

CERTIFICATE OF MAILING

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Date: October 5, 2004

Jessica T. Huth

3. Application Filing Fee

| APPLICATION FEES | | | | |
|---|--------------|--------------|-----------|----------|
| BASIC FEE | | | | \$ 0.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | |
| Total Claims | = | 0 | x \$18.00 | \$ 0.00 |
| Independent Claims | = | 0 | x \$84.00 | \$ 0.00 |
| <input type="checkbox"/> Multiple Dependent Claims(s) if applicable | | | +\$280.00 | \$ 0.00 |
| Total of above calculations = | | | | \$ 0.00 |
| Reduction by 50% for filing by small entity = | | | | \$() |
| Fee Already Paid = | | | | \$(0.00) |
| Fee Due = | | | | \$0.00 |

4. Late Filing of Oath or Declaration Surcharge

Pursuant to 37 CFR 1.16(e), the surcharge for filing this Response is for ☒ other than a small entity or ☐ a small entity.

Fee Due \$130.00

5. Non-English Specification Surcharge

Pursuant to 37 CFR 1.17(i), the surcharge for submitting an English translation of the non-English specification is included.

Fee Due \$ 0.00

6. Extension of Time

- ☐ Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00.
- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Fee Due \$ 0.00

7. Total Fee Due

The total fee due is:

| | |
|--------------------------------------|----------|
| Application Filing Fee | \$ 0.00 |
| Late Filing of Declaration Surcharge | \$130.00 |
| Non-English Specification Surcharge | \$ 0.00 |
| Extension of Time Fee | \$ 0.00 |

Total Fee Due: \$130.00

8. Fee Payment

- ☐ Attached is a check in the sum of \$.
- ☒ Charge Account No. 12-1216 the sum of \$130.00. A duplicate of this transmittal is attached.

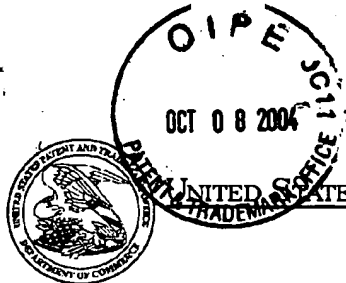
9. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.



Jeremy C. Lowe, Reg. No. 48,085
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Date: October 5, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/667,570 | 09/22/2003 | Garth Boehm | 224559 |

23460

LEYDIG VOIT & MAYER, LTD
 TWO PRUDENTIAL PLAZA, SUITE 4900
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CONFIRMATION NO. 1970

FORMALITIES LETTER



OC000000013469543

Date Mailed: 08/06/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/12/2004 HALI11 00000026 121216 10667570 FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'Hle', is positioned above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE